

REMARKS

Claims 1-17 are pending in this application. By this Amendment, the Abstract and claims 1-12, 14 and 15 are amended and claims 16 and 17 are added. Support for the amendments to claims 1 and 2 and new claim 17 can be found in the specification, for example, at paragraph [0055]. Claims 3-12, 14 and 15 are amended for form. Support for new claim 16 can be found in the specification, for example, at paragraph [0045]. No new matter is added.

The Abstract is objected to for informalities. By this Amendment, the Abstract is amended responsive to the objection. Applicant thus respectfully requests withdrawal of the objection.

Claims 11 and 12 are objected to for informalities. Claims 11 and 12 are amended as suggested by the Office Action. Applicant thus respectfully requests withdrawal of the objection.

Claim 2 is rejected under 35 U.S.C. §112, second paragraph as being indefinite. The rejection is respectfully traversed.

The Office Action asserts that the terms "flexible" and "harder" are not defined by the claim or specification, and that the specification does not provide a standard for the requisite degree of flexibility or hardness. Applicant respectfully traverses this assertion.

A material's flexibility is measured by the material's Young's modulus (also referred to as "the modulus of elasticity"). Further, a material's hardness is measured by, for example, Rockwell or Vickers hardness values. Therefore, one of ordinary skill could easily determine, and compare, the flexibility and hardness of the substrate layer and the other layer by measuring the Young's modulus or Rockwell/Vickers hardness of the materials. Applicant thus respectfully requests withdrawal of the rejection.

Claims 1, 3-5, 8, 10-12 and 14 are rejected under 35 U.S.C. §102(b) over Hatayama et al. (JP 61-8544). The rejection is respectfully traversed.

Hatayama does not teach or suggest every claimed feature of independent claim 1. Hatayama does not teach or suggest "[a] laminated tube ... [and] a projecting portion or portions extending all the way down the tube in an axial direction is/are formed on said another layer at a predetermined width," as recited in independent claim 1 (emphasis added).

The Office Action asserts on page 3 that the tube of Hatayama is laminated because of a dictionary definition that "defines laminate as 'to make by uniting several layers'. Because Hatayama discloses layers that are united (Fig. 3, 11a, 11b), the examiner's position is that Hatayama discloses a laminated tube" (emphasis added). However, the tube of Hatayama is not united, as asserted in the Office Action. Rather, the relief pattern 22 is made of a different layer than the tube 11 on which the pattern is applied (see Fig. 4 of Hatayama). Therefore, Hatayama does not disclose a united, laminated tube, as recited in independent claim 1.

Further, the pattern 22 of Hatayama does not extend the entire length of the tube 22 in the axial direction, as recited in independent claim 1. Fig. 4 of Hatayama shows the pattern 22 as a broken array of pieces and thus the pattern does not continuously extend the entire length of the tube 22. Therefore, Hatayama does not teach a projecting portion extending all the way down the tube, as recited in independent claim 1.

Also, Hatayama does not disclose a portion that projects from the another layer, as recited in independent claim 1. As seen in Fig. 3 of Hatayama, the relief band pattern 22 (i.e., the alleged projecting portion) projects from the base layer resin 11a (i.e. the alleged substrate layer). The relief band pattern does not extend beyond the outermost surface of the surface layer resin 11c (i.e., the alleged another layer). Therefore, Hatayama does not teach or suggest a projecting portion that projects from the another layer, as recited in independent claim 1.

Therefore, for at least these reasons, independent claim 1 is patentable over Hatayama. Claims 3-5, 8, 10-12 and 14, which depend from independent claim 1, are also patentable for at least their dependency on independent claim 1, as well as for the additional features they recite. Applicant thus respectfully requests withdrawal of the rejection.

Claims 1, 3-5 and 15 are rejected under 35 U.S.C. §102(b) over Redmond (U.S. Patent Application Publication No. 2001/0030192). The rejection is respectfully traversed.

Redmond does not teach or suggest every claimed feature of independent claim 1. Redmond does not teach or suggest "a projecting portion or portions extending all the way down the tube in an axial direction is/are formed on said another layer at a predetermined width," as recited in independent claim 1.

Redmond merely relates to a dispenser package and outlet forming structure (see Abstract of Redmond). The Office Action asserts that Fig. 8B discloses the claimed projecting portion. However, this figure merely discloses a side view of a pouch container (see paragraph [0033] of Redmond). This portion does not project from an another layer, nor does it extend the entire axial length of a tube. It is merely an end seal of the package. Accordingly, Redmond does not teach or suggest a projecting portion extending the entire length of the tube, as recited in independent claim 1.

Therefore, for at least these reasons, independent claim 1 is patentable over Redmond. Claims 3-5 and 15, which depend from independent claim 1, are also patentable for at least their dependency on independent claim 1, as well as for the additional features they recite. Applicant thus respectfully requests withdrawal of the rejection.

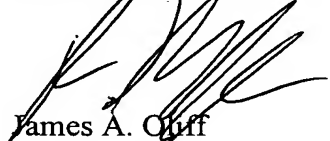
Claims 6, 7 and 13 are rejected under 35 U.S.C. §103(a) over Hatayama; claim 2 is rejected under 35 U.S.C. §103(a) over Hatayama in view of Haefner et al. (U.S. Patent No. 3,940,001); and claim 9 is rejected under 35 U.S.C. §103(a) over Hatayama in view of Kincaid (U.S. Patent No. 4,196,825). The rejections are respectfully traversed.

Haefner and Kincaid do not remedy the deficiencies of Hatayama. Haefner is applied by the Office Action only for its alleged teaching of a container that exhibits outstanding burst, impact, creep and tensile strength. Kincaid is applied by the Office Action only for its alleged teaching of an aluminum-laminated material substrate. Further, claims 2, 6, 7, 9 and 13 depend from independent claim 1. Therefore, claims 2, 6, 7, 9 and 13 are patentable for at least their dependency on independent claim 1, as well as for the additional features they recite. Applicants thus respectfully request withdrawal of the rejections.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,


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Attachment: Amended Abstract

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ABSTRACT

The technical problem of this invention is to laminate the outer layer onto the ~~substrate layer that makes up the~~ a main body of a tube, wherein a projecting portion or portions are ~~formed on the substrate layer or the outer layer of the tube~~ formed, while maintaining certain uniformity. The object of this invention is to provide the laminated tube and molded tube products comprising the laminated tube, which shows the decorative effect, derived from the laminated outer layer, and enables the user to identify the tube only by touch.

~~—The outer layer having or consisting of the axially disposed projecting portion or portions~~ is laminated onto the ~~substrate layer that makes up the~~ main body of the tube. By changing the number, width, or shape of the projecting portions, it is possible to give the decorative effect and identifiable features to the laminated ~~tube 1.~~ tube. The laminated ~~tube 1~~ tube can be used to mold tube products, such as tubular ~~containers 9~~ containers and pouch ~~containers 10.~~ containers.